

**GREEN BROOK FLOOD CONTROL COMMISSION  
MEETING MINUTES**

LOCATION: Middlesex Library

**DRAFT**

DATE: April 4, 2018

MEETING CONVENED: 7:30PM

NOTE: Adequate notice of this meeting was provided informing the public of the time and place according to the provisions of the Open Public Meetings Law (Chapter 231, P.L. 1975).

**IN ATTENDANCE:**

Richard O'Connor - Engineer, GBFCC  
Paul Woska . Middlesex  
Robert Greco . USACE  
Raymond S. Murray . GBFCC Chairman  
Linda Piffer Middlesex resident

Frank McArdle . North Plainfield  
Theodore Bassman . Scotch Plains  
Rob Zucker . Winning Strategies  
Bill Crosby . North Plainfield  
Stephen Black . Watchung

**MINUTES**

The minutes from the February 2018 meeting were approved. A copy of the approved minutes is available on the GBFCC website.

**CORRESPONDENCE**

Received an email from a Plainfield resident inquiring about snags. We told the resident that in many instances the responsibility to clear the trees belongs to the adjacent property owners, however, sometimes the member municipalities or the counties will take care of those. We referred them to the municipalities to see if they could get relief from them. Basically, the idea being that these trees will do harm over time. They will cause the stream to move, cause sediment to build up and they will collect debris in a single spot. Speaking for Green Brook Township, two years ago, and also immediately following Sandy & Irene, there were a number of areas where we did have some snags. We did go through, in combination with Middlesex Borough and Dunellen Borough, to attack both sides of the stream at the same point. One of those areas, behind Middlesex High School had about 12 trees that had stacked on top of each other, causing a fork in the stream resulting in the southern fork of that stream being completely dry.

In February, Commissioners Crosby & Murray took a trip to Washington, DC to speak with our congressional delegation. Mr. Murray drafted a letter to Congressman Frelinghuysen, thanking him for his support of project over the years, and still looking for him to champion this project until he leaves congress. If anyone is interested, I have a copy here.

The GBFCC maintains a correspondence file that is available for inspection as may be necessary and upon request.

**TREASURER'S REPORT**

We are doing very well this year. Only one outstanding invoice for one county. All other counties have paid their assessment for the year. As for out-going bills, we have the typical three bills to our consulting engineer Grotto Engineering, our secretary Tina Totten and our public relations firm Winning Strategies. We also have a check for Ray for the cost of trip to Washington. Bills were examined by finance committee and found to be proper. Motion was made for bills to be paid. Motion carried.

ARMY CORPS OF ENGINEERS - Robert Greco, Project Manager.

There has been quite a bit of activity in the last few months.

***Cost Change Control Board (CCCB):***

Mr. Greco and team are attending meetings, explaining reasons for cost increase to the project and getting their blessing on moving forward with the project. As mentioned previously, we will break the authorized cap on our project. The March 15<sup>th</sup> CCCB briefing in Washington DC had to be canceled. Waiting on HQUSAE to reschedule.

***FY19 President's Budget*** came in at \$5 million. We had the large segment C2 & H planned for FY19 hoping that number would come in at \$20 million, but with the reduced funding, unfortunately the only thing we will be able to get done is design work for FY19. We will be issuing plans and specification contracts to advance the designs. Will need survey contracts, geotechnical borings and HDRW borings which are all required information to start the plans and specs. For FY20, we will be looking at C3, C4, C5, B4 and pump station. For, FY18 received \$20 million in federal funds & \$7.2 million of non-federal funds. To date, we have received \$3.9 of the federal funds; waiting for remainder to be distributed.

***Operations and Maintenance.*** Over in the Borough of Bound Brook, segment R-2 pump station. We have a wing wall that appears to have separated and moved. I have been tasked to find out if we can repair that pump station using project funds. I am going to follow-up with our legal counsel to make the determination if we can use construction project funds to make the repair.

***Construction status:***

Segment B2 - Floodwall

- Floodwall is approximately 95% complete
- Contractor waiting for weather to break before painting the floodwall.
- Levee notch to be filled by segment B.
- Boat ramp has been installed.
- Substantial completion is expected May 31, 2018.

Segment B3 - Floodwall, pump station, temp levee tie off

- Same situation as above. Waiting on the weather to break before painting.
- Working on a decorative landscaping blocking going in right now.
- Also expecting substantial completion by May 31, 2018.

Segment C-1

We have run into a situation with real estate, over by the culverts. There is property that we need for construction access that will impact the whole schedule for the C-1 area, contracts 1, 2 & 3, if we do not get the property. Will need assistance from Middlesex Borough. Will discuss at the next project management meeting.

We cannot put the pump station in before the culverts go in. It is a tight space. We are creating a fallback option, a Plan B+, because we must expend the \$20 million funds we are receiving. Some will be used for survey & borings contract, some will be used for plans and specs for segment C-5 area, some will be used for in-house labor and some for construction mods. The remaining \$11 to \$12 million will be for construction. If we cannot award contracts because we don't have the real estate certifications, then our Plan B will be to put in portions of the C-2 floodwall. We figure about 1,400 linear feet of floodwall at about \$11 million (\$8,000 per linear

foot of concrete floodwall). Mr. Greco pointed to areas on map -- off South Lincoln Avenue. Some of the property is sitting on Middlesex Borough property, so that will be straight-forward. Part of it is Green Acres, so Mr. Greco has started coordination with Bob Celinski at DEP. A portion may be private property. We must have hydraulic model runs to make sure we do not induce any new flooding by putting in a floodwall. Don't think so, because the floodwall section is thin. So, this is an option as a fallback, so we can be sure to obligate funds in FY18. Good that we have a legitimate option; years back we faced a two-year delay because we did not have options. If we go with this Plan B, the schedule/map will be completely revised.

If results of the modeling are positive and show no induced flooding impacts, we will resubmit the revised schedule to the whole team, and we'll go from there.

And with receiving just the \$5 million in FY19, its going to move the whole schedule to the right. We are continuing the work on the real estate.

*Mr. Murray:* The trip to Washington was a positive push to move away from the \$5 million, but if we don't obligate the \$20 million in FY18, it will make it extremely difficult to get more than \$5 million.

*Mr. Greco:* Will need assistance from Middlesex Borough; can discuss in detail next week as far as the real estate issue. Mr. Murray suggests a call with Brandon beforehand and he offered to assist with brainstorming on ideas to get around this problem.

*Comment:* Rob Zucker suggests coming up with the calculation as to how much money it would take for the additional amount of linear feet needed to complete the flood wall, without inducing more flooding. That information would be helpful when discussing with Capitol Hill to make your case for additional funding.

*Comment:* Along the lines of alternative ideas, what is the total cost of the anticipated flood proofing that was to be undertaken?

*Mr. Murray:* Part of the problem is that we don't have plans and specs complete enough on those to award.

*Mr. Greco:* We are discussing the non-structurals with the Huntington District in West Virginia. They are very experienced with non-structurals. You don't have to put together a full set of plans and specs like you typically do for a levee floodwall system. The way they manage the project is by putting together %Guide Plans & Specs+similar to what a developer puts together if he was developing two identical homes and needs permits. They are not USACE plans & specs; much more watered-down. This would be the steps:

- We prepare the Guide Plans & Specs for each of the structures.
- USACE & Homeowners agree to the plans.
- Put together a flood proofing agreement with the homeowners. Possibly some type of real estate agreement. Since it is a real estate agreement, the contractor does not get paid until work is complete.

Discussion continued regarding the difference between this concept of real estate agreement and the ring wall built by the apartment complex.

*Mr. Murray* clarifies the big difference is that the Corps built the ring wall and then turned it over to the property owner for maintenance. In this proposed circumstance, the property owners are going to go out and get 3 quotes. As long as the quotes are lower than the government estimate, the Corps will sign off on it, and the property owner will hire whichever contractor they

want. The property owner will manage the project. When it's all complete, then they will be paid. Onus is on the property owner. That is how Huntington District has handled the non-structurals.

*Mr. Greco* showed on map assorted areas of focus.

In areas where we are inducing additional flooding, if property owners object to non-structural treatments, we will have to consult LURP and apply for a hardship waiver. If we are not inducing additional flooding, it is not a problem if they back out from the non-structural recommendations.

Among the non-structurals, there are three homes to be wet flood proofed (meaning the basement can flood but the utilities are moved out); two homes to be lifted and 10 commercial businesses to buy-out. We do not relocate the business, we just pay for the value of the property. Again, this is voluntary. We will begin these meetings to gauge interest of the program.

We will keep moving forward to show progress.

#### Segment C-3 and Segment C-4

Have designers working on these areas. Have to issue an architect engineering contract. We have indefinite delivery contracts that the Corps uses. We ran out of design capacity. Advertised for new indefinite delivery contracts. There is a new contract about to be awarded. FY18 will issue a plans & specs contract. Also, will be a contract for surveys & borings.

Mr. Murray asks Mr. Greco to take a break and let Mr. Zucker speak so he can catch his train.

#### WINNING STRATEGIES - Rob Zucker

Busy period of time in the sense that we had our trip to Washington, the resolution of the FY18 spending bills and the FY19 budget proposals. Also, ongoing feedback and interaction with the offices we met with in an aggressive & positive way to make sure that if there is additional money to be secured, that we could. Pursuant to the Washington visit we had been asked to delineate where additional dollars could be spent. We gave that information to them as best we could at beginning of March. We were not able to explain the impact real estate issues might have on the decision makers at the Corps at that time.

Sen Menendez's office, where the staff is particularly expert and experienced with this project, were given a great deal of detail. Also had two additional rounds of reach back with Congressman Frelinghuysen's office. Before he took over chairmanship, he had served as Energy & Water appropriator and was very familiar with the work being done, not just in our area, but the staff interact regularly to urge the Corps to be as aggressive as possible with allocation of funds for this project.

In recent years the appropriations bills have carried language that characterize certain projects which the Corps undertakes throughout the country. The Trump administration, for two years in a row, included dramatic reductions for the Corps. Not trying to pass judgment, but it does offer a possible explanation for the \$20 billion to go down to \$5 billion. The overall Corps budget has been cut in half, at \$1.6 billion in FY17 down to \$862 million. Because of that, the lower requests in FY18, it means that Congress can't plus up projects from what the work plans had in early February. The Corps therefore has discretion on where to spend overage.

Cutting the construction budgets in half is not something Congress wants to implement either. There will be a significant amount of overage in FY19. FY18, I would just tell you that

Congressman Frelinghuysen's office is in discussions with Corps headquarters and committee staff making the case for additional monies to be spent. I would tell you that we are baking into our advocacy, beyond just asking for \$5 million, an effort for report language that might otherwise find characteristics of this project, so when overage happens in FY19, our project would be among those that would qualify. Nothing is set in stone, but it is what Congress is making the Corps aware of and asking it to spend on these types of things.

We need to continue to work with our members on Capitol Hill to pull that through, if it were to work out. I'm just suggesting to you that this coming year, we will have on our shoulders, not just the FY19 request of pulling through the \$5 million of appropriated dollars but additional report language that we think could be beneficial. That report language, in theory, could happen if there is a real estate issue or not, but you could easily understand even with that report language because it doesn't compel the Corps to do something, that if we are still facing these issues and they wrap up next year's fiscal year spending, we will still face difficulties in pulling through that overage. Our job is to make the best case now and to have the bills carry the best, most aggressive language as we can. What is not entirely clear is whether that language will come at each stage, or if it just gets worked into the conference report. That is something I will be working hard on, in conjunction with Bill & Ray. I think if we can work together Ray & Bob, on the geographic location and the amount of linear feet needed, I would like to put some of that detail into the hands of staff, it doesn't need to be technical, but that will be helpful.

*Mr. Greco:* Rob, we are going to keep trying to advance the design, right? We want to get way ahead of this design early and issue as large of construction contracts as possible.

*Mr. Zucker:* I think that's fair. That is where Congress is pushing back hard. There is a lot more to be constructed nationwide and why those numbers aren't adequate. The only other thing I would say is that there will be an award process this year. To the extent that we also need to take on any issues about the cap, or additional language, that's the other thing on our radar. We have communicated with the offices, especially Senator Booker's office, because he is a member of the Senate Environment & Public Works Committee that will be responsible for writing the Water bill. For several months, we have been interacting with staff at Sen. Booker's office about this. To the extent that there is a non-appropriations issue, we are also working on behalf of the Commission this year at Winning Strategies and we'll work together, on that wording process.

*Mr. Bassman:* That ad that used to play on TV with the man with can of oil and said, "You can pay me now or pay me later?" Either put the money into the project today, or have FEMA pay it out later. One or the other.

*Mr. Murray:* I think we all understand that, but the problem is that you are competing for dollars. If you are not spending it, there is no compelling reason for them to give you more.

*Mr. Zucker:* A variation on that theme .. the longer you wait to do certain components of a construction project, the more expensive it gets. It never seems to get cheaper.

*Mr. Murray:* Right. We saw that portions of the Upper Basin may not be buildable because it is 20 years later and there is now a patio in the way.

*Mr. Zucker:* Just as we did last year, to the greatest extent that you can, ask for bigger chunks of dollars so that you get this project done even a year or two sooner. I realize it is far in the future, but as long as they are going to ding us for overage that is 30 years in future, we might as well try to accelerate get some savings.

*Mr. Greco:* When we put our budgets together, we have to think out 2 years. So, we are now thinking FY20 and I can't release numbers that I am coming with, but you can each look at the map and do the math!

If we issue in FY19 plans & specs design contract for this large area (pointing to map), hoping to be able to obtain the rights of entries. In previous parts of projects, that took two years. We need to get those right of entries in order to get the borings, to take the surveys, and to start the process. That's the first challenge. Hoping this will be easier as it is more open space and municipal space.

Mr. Greco continued with report on Upper Basin

Initiated validation study. Held a meeting with the members of the Dam Safety Center of Expertise, New England district. They are going to be coming down in a few weeks for a tour of Upper Basin & rest of project. Want to show them the Rahway project and the Green Brook project. First step in validation study is getting buy-in from the Dam Safety Center of Expertise. The Corps has been shying away from building detention basin or dam sites nationwide. We will see what they have to say. The GBFCC is invited. Will let you know details.

Subsequent to that, in three to four months, we need to hold a National Environmental Policy Act (NEPA) public scoping meeting up in the Upper Basin area to solicit input from the public & private communities early in the planning phase to determine the popularity of those two detention sites. Also, to identify any significant environmental issues that people have concerns with. With the Dam Safety Center of Expertise & the NEPA meeting, we will determine early on whether those two detention sites are a go or not.

Discussion continued about the frustrations over delays, especially real estate issues, which been present for many years. As we try to accelerate the overall project, roadblocks keep stalling progress.

Another comment about a news report stating average flood insurance policy rates are predicted to rise about 8% per year sparked discussions about the increase in costs for residents.

*Mr. Greco:* I'm thinking 2 to 3 fiscal years down the road, beyond CBHD, where we will be headed and what system of levees we can design. I'd like to keep advancing the design.

*Mr. Murray:* We can only advance the design so far. At some point, we have to make the real estate happen, so we can do actual construction.

General comments about the various possibilities of structural & non-structural improvements vs the costs continued, especially pointing to potential difficulties that Plainfield faces -- many bridges, narrow channel, business community on brook, etc. Negotiations may need to happen amongst all the parties involved if they want meaningful flood protection.

*Mr. McArdle:* Going back to early in your report, where the wall in Bound Brook separated. I want to know WHY? And who is liable?

*Mr. Greco:* Good question. There seems to be movement. There is a gap in wall. We don't know if its construction deficiency, don't think it is a design deficiency, but that's why we need to investigate. Something needs to be done but not sure what. Have to sit with legal counsel for advice on which funds can be used for the investigation. Once we determine responsibility and/or liability, we can go from there on who pays for cost of repair.

Question: On the Upper Basin, there will be a tour in two or three weeks?

*Mr. Greco:* Yes, with the Dam Safety Center of Expertise folks.

Question: The two sites you are looking at right now are the one on the McConnel property and the other would be in the gorge?

*Mr. Murray:* No, in the Watchung reservation, Skytop.

*Mr. Greco:* The same as in the 1997 GRR. Took the Colonel out there in September of last year to the Oakway site, and we were surprised at what has been built there.

*Mr. Murray:* A lovely terraced patio, with a waterfall, granite and chess boards.

*Mr. Greco:* Its expensive! We may get pushback from property owner on taking that apart.

We shall see at the NEPA public scoping meeting, to be held in a few months, when we meet with public. That meeting will be held somewhere in that area.

#### QUESTIONS / COMMENTS FROM THE COUNTIES

##### **Union County**

None.

##### **Somerset County**

None.

##### **Middlesex County**

None.

##### GBFCC ENGINEER

None.

#### QUESTIONS FROM PUBLIC

None.

Mr. Murray thanked Middlesex Borough for their hospitality. Next meeting in North Plainfield in June. Hopefully, the August meeting, if the grass is growing by the gazebo, we will back here in Middlesex.

A motion was made and approved to adjourn.

MEETING ADJOURNED: 8:45 PM

Upcoming 2018 GBFCC meeting dates:

**June 6 – North Plainfield Community Center**

**August 4 – 9:30 am Memorial Service – American Legion, Middlesex**

**October 3 -- Watchung**